Remarks

Claims 1-120 are originally presented in the subject application. By this Preliminary Amendment, applicants have canceled claims 18-32, 50-83 and 92-120 to reduce the filing fee and to only pursue claims of Group I of the April 26, 2002 restriction requirement in the parent of the subject application. Accordingly, claims 1-17, 33-49 and 84-91 are pending in the subject application.

Applicants point out that the subject application is a divisional application of U.S. Serial No. 09/765,515, filed January 19, 2001. A Notice of Allowance was issued in connection with U.S. Serial No. 09/765,515 on August 22, 2003 and the issue fee was paid November 17, 2003. U.S. Serial No. 09/765,515 is therefore pending and has not issued as a patent and the subject divisional application is co-pending therewith in fulfillment of the provisions of 35 U.S.C. §120. The subject divisional application have been filed to pursue the subject matter which was previously not pursued in response to the April 26, 2002 restriction requirement in U.S. Serial No. 09/765,515.

Applicants also point out that the subject divisional has been filed with a revised specification pursuant to 37 C.F.R. 1.53(b), which incorporates the January 25, 2003 Amendment to the specification filed in the parent application. No new matter has been added by the revised specification.

INFORMATION DISCLOSURE STATEMENT

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants would like to direct the Examiner's attention to the following documents which are listed on Form PTO-1449 **(Exhibit A)** and are also listed below.

This Information Disclosure Statement is being submitted pursuant to 37 C.F.R. §1.97(b)(3) before the mailing of a first Office Action on the merits. Thus, this Information Disclosure Statement should be entered and considered.

This application is a divisional of U.S. Serial No. 09/765,515, filed January 19, 2001, now allowed.

Copies of the documents listed below as items 5-31 have been previously submitted to the U.S. Patent Office, and items 1-3 have been previously cited by the U.S. Patent and Trademark Office in connection with U.S. Serial No. 09/765,515 upon which the subject application relies from an earlier filing date pursuant to 35 U.S.C. § 120. Therefore, in accordance with 37 C.F.R. §1.98(d), copies of the previously submitted documents are not provided. Item 4 below is a disclosure of U.S. Serial No. 09/765,515, now allowed, of which the current application is a divisional, and a copy of item 4 along with the claims as allowed is attached hereto as **Exhibit 1.**

1. U.S. Patent No. 5,721,362 (Corey) issued February 24, 1998;

2. U.S. Patent No. 6,124,292 (Corey) issued September 26, 2000;

3. U.S. Patent No. 6,348,467 (Corey) issued February 19, 2002;

4. U.S. Serial No. 09/765,515, filed on January 19, 2001 (Danishefsky et al.)(**Exhibit 1**);

5. PCT International Application Publication No. WO 99/51238 published October 14, 1999;

6. PCT International Application Publication No. WO 00/18233 published April 6, 2000;

7. Arai T. et al., "New antibiotics saframycins A, B, C, D and E," *J Antibiot. (Tokyo)* **1977**, Vol. 30, No. 11, p.p. 1015-1018;

8. Bobbitt, J. et al., "Isoquinolines. III. A New Synthesis of 1,2,3,4-tetrahydro isoquinolines," *J. Org. Chem.* **1965**, Vol. 30, p.p. 2247-2250;

9. Cabre-Castellvi, J. et al., "Convenient Synthesis of Carboxilic Acid Anhydrides using N,N-Bis[2-oxo-3-oxazol idinyl]phosphorodiamidic Chloride," *Synthesis* **1981**, No. 7, p.p. 616-620;

10. Caldwell C. et al., "Synthesis of the Lipophilic Side Chain of the Cyclic Hexa-depsipeptide Antibiotic L-156, 602," *J. Org. Chem.* **1990**, Vol. 44, p.p. 2355-2361;

11. Caron, M. et al., "Highly Enantioselective Solvolyses of L- and D-Phenylalanine p-Nitrophenyl Esters by an L-Histidyl Dipeptide in Surfacant Coaggregates Formed by Cholesterol-Containing Amphiphiles," *J. Org. Chem.* **1988**, Vol. 53, No. 21, p.p. 5187-5189;

12. Corey, E. et al., "Enantioselective Total Synthesis of Ecteinacidin 743," *J. Am. Chem. Soc.* **1996**, Vol. 118, p.p. 9202-9203;

13. Danishefsky, S. et al., "Total synthesis of Quinocarcinol Methyl Ester," *J. Am. Chem. Soc.* **1985**, Vol. 107, No. 5, p.p. 1421-1423;

14. Fukuyama, T. et al., "Total Synthesis of(±) Saframycin A," *J. Am. Chem. Soc.* **1990**, Vol. 112, No. 8, p.p. 3712-3713;

15. Fukuyama, T. et al., "A Sterocontrolled Total Synthesis of (±) Reniramycin A," *Tetrahedron Lett.* **1990**, Vol. 31, No. 42, p.p. 5989-5992;

16. Fukuyama, T. et al., "Stereocontrolled total Synthesis of (±) Saframycin B," *J. Am. Chem. Soc.* **1982**, Vol. 104, No. 118, p.p. 4957-4958;

17. Gao, Y. et al., "Catalytic Asymmetric Epoxidation and Kinetic Resolution: Modified Procedures Including in Situ Derivatization," *J. Am. Chem. Soc.* **1987**, Vol. 109, No. 18, p.p. 5765-5780;

18. Guan, Y. et al., "Molecular and crystal structures of ecteinascidins: potent antitumor compounds from the Caribbean tunicate Ecteinascidia tur binata," *J. Biomol Struct. Dyn.* **1993**, Vol. 10, No. 5, p.p. 793-817;

19. Kishi, K. et al., "Structure-activity relationships of saframycins," *J Antibiot. (Tokyo)* **1984**, Vol. 37, No. 8, p.p. 847-852;

20. Kitahara, Y. et al., "Synthesis of 4,7-Indolequinones. The Oxidative Demethylation of 4,7 Dimethoxyindoles with Ceric Ammonium Nitrate," *Chem. Phar. Bull. (Japan)* **1985**, Vol. 33, No. 5, p.p. 2122-2128;

21. Kubo, A. et al., "Stereoselective total Synthesis of (±) Saframycin B," *J. Org. Chem.* **1988**, Vol. 53, No. 18, p.p.

4295-4310;

22. Martinez, E. et al., "Phthalascidin, a synthetic antitumor agent with potency and mode of action comparable to ecteinacidin 743," *Proc. Natl. Acad. Sci.* **1999**, Vol. 96, p.p. 3496-3501;

23. Medina, E. et al., "Enantioselective synthesis of N-Boc-1-naphthylglycine," *Tetrahedron Asym.* **1997**, Vol. 8, No. 10, p.p. 1581-1586;

24. Mikami, Y. et al., "Saframycin S, a new saframycin group antibiotic," *J. Pharmacobiodyn.* **1981**, No. 4, p.p. 282-286;

25. Myers, A. et al. "A concise, Stereocontrolled Synthesis of (-) Saframycin A by the Directed Condensation of a-Amino Aldehyde Precursors," *J. Am. Chem. Soc.* **1999**, Vol. 121, No. 43, p.p. 10828-10829;

26. Sakai, R. et al., "Additional antitumor ecteinacidins from a Caribbean tunicate: Crystal structures and activities in vivo," *Proc. Natl. Acad. Sci.* **1992**, Vol. 89, p.p. 11456-11460;

27. Sakai, R. et al., "Ecteinascidins: Putative Biosynthetic Precursors and Absolute Stereochemistry," *J. Am. Chem. Soc.* **1996**, Vol. 118, No. 35, p.p. 9017-9023;

28. Sharpless, K. B. et al., "The Osmium-Catalyzed Asymmetric Dihydroxylation: A New Ligand Class and a Process Improvement," *J. Org. Chem.* **1992**, Vol., 57, No. 6, p.p. 2768-2771;

29. Zhou et al., "A novel face specific Mannich closure providing access to the saframycin-ecteinascidin series of piperazine based alkaloids," *Tetrahedron Letters* **2000**, Vol. 41, p.p. 2043-2046;

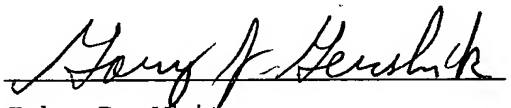
30. Zhou et al., "Synthetic explorations in the saframycin-ecteinascidin series: construction of major chiral subunits through catalytic asymmetric induction," *Tetrahedron Letters* **2000**, Vol. 41, p.p. 2039-2042; and

31. PCT International Search Report dated May 18, 2001 issued in the corresponding PCT International Application No. PCT/US01/01877.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed $770.00 and $396.00 application filing fee, is deemed necessary in connection with the filing of this Information Disclosure Statement. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400